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Andrea J. Cabral
Secretary

Thomas G. Gatzunis, P.E.
Commissioner

Board of Elevator Regulations – Hearing Minutes – February 4, 2014

This meeting was held in accordance with G. L. c. 30A, §§18-25, the Open Meeting Law

Present:

Walter Zalenski, Chair

*John O'Donoghue, Member

Susan Genduso, DPS

Thomas Riley, Member

David Gaudet, Member

Rosemary Hyde, DPS

Harold McGonagle, Member

Michael Nicoloro, Member

*John O'Donoghue left the meeting after Petition II – a Quorum is still present

Absent:

Cheri Davis, Member

Kevin McGettigan, Member

Meeting is called to order and board members are introduced by the Chair – a quorum is present

Minutes:

- Review of Minutes from January 21, 2014
- Motion by: Harold McGonagle to accept minutes as written
Seconded by: Michael Nicoloro
Abstained: Michael Nicoloro
Vote: **5-0, Minutes Accepted**

Petitions:

- I. 538 Point Road, Marion**
Petitioner was "No Show"

Petitions Heard:

- II. 30 Water Street, Holyoke – 137-F-127**
524 CMR-2012, Section 32

Owner: City of Holyoke Gas & Electric, 90 Suffolk Street, Holyoke, MA 01040

Petitioner: Steve Roy, 30 Water Street, Holyoke, MA 01040

The Petitioner is seeking a variance to convert a freight elevator to a Vertical Reciprocating Conveyor (VRC). Conversions of freight elevators to VRCs were temporarily allowed by the Commonwealth under the acts of Chapter 288. On July 1, 2013 this allowance ended and, as of that date, all freight elevators not meeting the code are required to be decommissioned. This elevator must be decommissioned according to DPS procedures

and owner must submit an application to install a new VRC. The new VRC must meet all of the requirements of 524 CMR, Section 32. A motion is put forth by David Gaudet to deny the variance.

Motioned by: David Gaudet

Seconded by: Thomas Riley

Vote: **6-0, Variance Denied**

III. 177 Huntington Avenue, Boston – 1-P-13902

524 CMR-2012, Section 35 and ASME A17.1-2004, 2.8.2.1

Owner: BCSP VI Huntington Property LLC, 177 Huntington Avenue, Boston, MA 02115-3134

Petitioner: Allison Ott, Property Manager, CBRE-NE, 177 Huntington Ave., Boston

Petitioner is seeking a variance to reconfigure an existing steam heat system located in a now empty hoistway that will service two existing and one new elevator. The new elevator is being installed in the existing hoistway and the heating system must be reconfigured to accommodate it. All existing elevators will be brought up to current code. A motion is put forth by Harold McGonagle to recommend the withdrawal of the petition as a variance is not required because the heating equipment is related to the operation of the elevators.

Motioned by: Harold McGonagle

Seconded by: Michael Nicoloro

Vote: **5-0, Variance not required, Recommendation to withdraw**

IV. 106 Walnut Street, Natick – 198-W-82

524 CMR-2012, 34.00

Owner: Board of Trustees, Fisk Memorial United Methodist Church, 106 Walnut Street, Natick, MA

Petitioner: Board of Trustees, Fisk Memorial United Methodist Church, 106 Walnut Street, Natick

The Petitioner is seeking relief from Item #2 of Inspection Report #145300, dated December 2, 2013 “Make lift compliant with code at time of installation” (524 CMR 34.00). The petitioner stated that the lift was installed in 1986 and complied with the code at the time of installation. The Department of Public Safety will contact the Inspector to get clarification of his report, and if there is no violation DPS will abate the order. The owner may use the elevator until the Board makes its final decision. A motion is put forth by Thomas Riley to place the petition on hold until the Board gets clarification by the Inspector.

Motioned by: Thomas Riley,

Seconded by: Michael Nicoloro

Vote: **5-0, Petition on Hold**

V. 1 Rabbit Hill Road, Westborough – 328-P-266

524 CMR-2012, Section 35.00, 2.1.4 and 2.1.4 (5)(c)

Owner: Chia-Yuan Lee, Project Mgr for Construction, MA DCAMM

DCAMM Office of Planning and Construction, One Ashburton Place, Boston, MA 02108

Petitioner: John D. Selle, AIA 68 Long Wharf, Boston, MA 02110

The Petitioner is seeking a variance from 524 CMR relative to the specific location of the vent in a hoistway. The vent is located on the side of the hoistway and the bottom of the vent opening is within 2 feet of the top of the hoistway. The elevator is a MRL (machine-room-less elevator). The hoistway is vented with fan assisted fire rated ducts to meet the intent of the code. A motion is put forth by Thomas Riley to grant the variance.

Motioned by: Thomas Riley

Seconded by: Harry McGonagle

Vote: **5-0, Variance Granted**

VI. 45 Tower Road, Newton – 207-P-23
524 CMR-2012, 17.16
Owner: WHDH, 7 Bullfinch Place, Boston, MA 02116
Petitioner: Brent Lewis, 31 Dartmouth Street, Westwood, MA 02090

Chairman Zalenski recused himself – a quorum is present at 4 members

The Petitioner is seeking relief from Inspectors Report #126991 dated August 15, 2013 (unable to put car on safeties). The unit is located in a TV tower and is self supported on hollow tube rails. The Petitioner would like clarification on how they can test safeties without the full load drop test and submitted the manufactures recommendations for test procedures of safeties. A motion was put forth by David Gaudet to put the petition on hold until the Department of Public Safety makes a recommendation on a test method.

Motioned by: David Gaudet

Seconded by: Thomas Riley

Vote: **4-0, Petition on Hold**

Recused: Walter Zalenski

Variance Follow-up

1. 765 Commonwealth Avenue, Boston - David Gaudet recused himself.

This petition was originally heard on January 7, 2014 at which time it was put on hold pending Architectural Access Board approval. The AAB determined that the owner must submit a petition to their Board prior to reviewing the case. The BER petition is on hold until the AAB makes their formal decision.

2. 236 Huntington Avenue, Boston

This petition for relief from Inspectors Report was originally heard on January 21, 2014 at which time it was approved with the condition that DPS Inspector who wrote up the report verifies there is no code violation.

The Inspector confirmed that there are no outstanding code violations on this unit and DPS will abate the work order.

A motion was put forth to adjourn the meeting by Thomas Riley, all in favor. Meeting adjourned at 3:10 pm.

Exhibit List:

Exhibit 1: Petition packet for 30 Water Street, Holyoke – 137-F-127

Exhibit 2: Petition packet for 177 Huntington Avenue, Boston – 1-P-13902

Exhibit 3: Petition packet for 106 Walnut Street, Natick – 198-W-2

Exhibit 4: Petition packet for 151 Rabbit Hill Road, Westborough – 328-P-266

Exhibit 5: Petition packet for 45 Tower Road, Newton – 207-P-23

Prepared by: Susan Genduso